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C O N F I D E N T I A L BRUSSELS 001304

SIPDIS

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SUBJECT: EU CONSTITUTIONAL TREATY NEGOTIATIONS TO RE-START
IN APRIL, CONCLUDE IN JUNE

REF: USEU TODAY 3/19/04

Classified By: Rick Holtzapple, PolOff, Reasons 1.4 (B/D)

1. (SBU) EU leaders at their March 25 Summit dinner agreed to an Irish Presidency recommendation that the EU's Intergovernmental Conference (IGC) on a draft EU Constitutional Treaty, which collapsed in December 2003 due to disagreements about voting weights, should be re-started, with the aim of completing negotiations by the June 17-18 EU Summit. Irish PM Bertie Ahern said his government would begin work next week on IGC preparations, including for a planned visit to Dublin by Spanish PM-elect Zapatero in the third week of April. No formal IGC session should be expected until the end of April. Even then, Ahern said, some Member States had already made clear that they would not be prepared to engage in serious negotiations on some key issues until May at the earliest.

2. (SBU) Ahern and other EU leaders, such as European Parliament (EP) President Pat Cox, said they would very much like to complete the IGC negotiations in time for the June 10-13 EP elections. Ahern said the Irish "would try our best" to conclude by June 10, but noted that the specific target EU leaders had set was the June 17-18 EU Summit. An IGC source told us talk of finishing prior to the elections was only window-dressing; many EU leaders prefer that a final Constitutional Treaty deal come only after the EP elections, to avoid having the new Treaty and the question of whether it should be put to referendum for ratification becoming major campaign issues. (COMMENT: The referendum issue can be partially defused by this timeline, as leaders will say "we can't decide whether a referendum is appropriate until we know exactly what will be in the document." Nonetheless, we expect that the Constitutional Treaty will become a central campaign issue in at least some states. End Comment.)

3. (C) COMMENT: The IGC is re-starting because, as Polish FM Cimosiewicz put it, all EU Member States now accept that a compromise can be found using a "double majority" formula for voting in the Council, but that formula cannot be the "50 percent of Member States representing 60 percent of the population" formula in the current draft. Spain and Poland have relaxed their "Nice or nothing" stance, while France and Germany have dropped their insistence on the 50/60 formula. While some media and EU governments continue to push for a formula with a higher threshold for Member States but a lower bar for population, we believe (as reported Ref A) that the most likely solution will be one that raises both percentages. Even if that formula can be agreed, the Irish Presidency will still face tough negotiations on a number of other issues, particularly whether additional policy areas should move from consensus to "double majority" voting. If the Irish weren't confident they could reach a comprehensive deal, they would not have re-started the IGC; but success is still not assured.

SCHNABEL